

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **August 8, 2006**

AGENDA ITEM NO.: 5

CONSENT: **X**

REGULAR:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Millside Centre Sewer & Water Availability Fees**

### RECOMMENDATION:

Approve the attached resolution establishing availability fees for Millside Centre development for sewer and water service:

Sewer – 103,971 square feet @ 0.0965/sqft = \$10,033.20

Water – 103,971 square feet @ 0.0611/sqft = \$ 6,352.63

Total = \$16,385.83

### SUMMARY:

According to City Code Sec. 34-4 and Sec. 39-27, the sewer and water availability charges for floor space in excess of 100,000 square feet are to be determined by City Council. The amounts, apply the rate of the highest listed square footages to the approved site plan square footage. This is the same method used in 2003 for The Summit off of Enterprise Drive.

### PRIOR ACTION(S):

August 8, 2006 - Physical Development Committee Review

### FISCAL IMPACT:

Additional revenues as noted for the City's Sewer and Water Funds.

### CONTACT(S):

Lee Newland, 455-3947

### ATTACHMENT(S):

Resolution  
Copy of City Code Sections

REVIEWED BY: lkp

RESOLUTION:

Whereas Millside Centre, off Graves Mill Road, has requested sewer and water service for the Assisted Living Facility development and;

Whereas the code of the City of Lynchburg specifies that City Council will set the availability fees for such services and;

Whereas these fees have been calculated using prorated amounts;

Now, therefore BE IT RESOLVED that the fees will be \$10,033.20 for the sewer and \$6,352.63 for the water availability to the Assisted Living Facility at 1604 Graves Mill Road.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

096L

## Chapter 34

### SEWERS\*

Art.	I.	In General, §§ 34-1—34-30
Art.	II.	Repealed, §§ 34-31—34-48
Art.	III.	Industrial Wastes and Pretreatment, §§ 34-66—34-78

#### ARTICLE I. IN GENERAL

##### **Sec. 34-1. Definitions.**

For the purposes of this chapter, all sewers running in the streets or alleys of the city or through private property that are designed or constructed to furnish sewer connection for more than one (1) lot shall be regarded as main or public sewers, provided that the sewer is built to city standards on a recorded easement or previously recognized on city sewer maps. All sewers leading from the main or public sewers to the property on either side shall be regarded as building sewers. A sewer serving two (2) or more buildings, constructed and paid for by property owners and not directly controlled by the city shall be regarded as a private sewer. (Code 1959, § 29-1)

##### **Sec. 34-2. Construction and maintenance by city generally.**

The city shall lay, construct and maintain all main or public sewers and connections with approved clean-outs and shall lay and construct all building sewers from their connection with the main or public sewers to the clean-out located at the property line of the street adjacent to the property into which the building sewer leads. (Code 1959, § 29-2; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88)

##### **Sec. 34-3. Sewer connections to premises within the city; extensions of mains.**

(a) A separate connection shall be required for each subdivision lot upon which a building is constructed. Only one (1) sewer service connection will be required where multiple lots are used to construct a building.

(b) The city will grant the right to use the sewerage system and will extend sewer mains where in the opinion of council it is practical and economically feasible under the following methods:

(1) Sewer mains installed by the city in the preservation of the health and general welfare of the citizenry for reasons of public necessity,

(2) Sewer mains installed in response to citizen request when evidenced by petition,

(3) Sewer mains installed in conjunction with industrial development and/or residential subdivision development. (Code 1959, § 29-6.2; Ord. of 6-15-77; Ord. No. O-87-265, § 1, 11-24-87, eff. 1-1-88.)

##### **Sec. 34-4. General terms, conditions, and provisions applicable to sewer mains extended or installed with city approval.**

(a) Title to any sewer main extensions or service connections within the public right-of-way or requested easements shall vest in the city upon the completion of construction regardless of method of financing.

(b) Where public sewer systems are already installed, replacement or enlargement of the sewer pipes, when deemed necessary by the city, shall be made at the sole cost and expense of the city.

\***Cross references**—Department of public works, § 2-225 et seq.; building, Ch. 11; housing and hygiene, Ch. 22; nuisances, Ch. 26; water, Ch. 39.

**State law reference**—Public utilities generally in connection with sewers, Code of Virginia, § 15.1-292 et seq.

(c) Whenever any person owning property along the line of any sewer main in the city which has been extended, installed or purchased by the city in the preservation of the health and general welfare of the public, or by petition, but without the participation of him or a previous owner of this property, shall desire the sewer service from said main to his premises, he shall be required to do the following:

(1) Fulfill the criteria as outlined under subsection (g) hereof, involving sewer main connections;

(2) Make an additional payment of an availability charge, the purpose of which is to defray in part the cost of providing outfall lines, pumping stations and waste treatment facilities. The availability charges are as follows:

a. Single-family residence:

(i) Where fifty (50) to fifty-nine (59) per cent of the potential customers of the project as determined by the city engineer sign petitions requesting such project, the charge shall be nineteen hundred fifty dollars (\$1,950.00) per connection, for each such petitioner.

(ii) Where sixty (60) to sixty-nine (69) per cent of said customers sign such petitions, the charge shall be eighteen hundred fifty dollars (\$1,850.00) per connection, for each such petitioner.

(iii) Where seventy (70) to seventy-nine (79) per cent of said customers sign such petitions, the charge shall be seventeen hundred fifty dollars (\$1,750.00) per connection, for each such petitioner.

(iv) Where eighty (80) to eighty-nine (89) per cent of said customers sign such petitions, the charge shall be sixteen hundred and seventy-five dollars (\$1,675.00) per connection, for each such petitioner.

(v) Where ninety (90) to ninety-four (94) per cent of said customers sign such petitions, the charge shall be fifteen hundred and fifty dollars (\$1,550.00) per connection, for each such petitioner.

(vi) Where ninety-five (95) to one hundred (100) per cent of said customers sign such petitions, the charge shall be fourteen hundred and fifty dollars (\$1,450.00) per connection, for each such petitioner.

b. Multifamily structures and mobile home parks where a single connection is made:

(i) For the first five (5) units, nine hundred and eighty dollars (\$980.00) each.

(ii) For the second five (5) units, seven hundred and thirty dollars (\$730.00) each.

(iii) For all additional units, four hundred and ninety dollars (\$490.00) each, subject to a maximum charge of eighteen thousand three hundred and fifty dollars (\$18,350.00) under this subsection b.

Separate individual connections to each unit of a multifamily structure or mobile home park will require the same availability charge for each unit as a single-family residential unit. Separate connections serving more than one unit will require the availability charge as specified above in Section 34-4(c)(2)b.

c. Commercial service: Up to two thousand (2,000) square feet of floor space, or if a maximum four (4) inch diameter building sewer is used, the charge shall be one nineteen hundred and fifty dollars (\$1,950.00). If a connection sewer in excess of four (4) inches in diameter is required, the following charges shall apply:

Availability  
Charge:

\$1,950.00  
\$2,440.00  
\$3,640.00  
\$6,110.00  
\$9,650.00

As determined by city council

Floor Space

0 to 2,000 square feet  
2,001 to 10,000 square feet  
0,001 to 20,000 square feet  
20,001 to 35,000 square feet  
35,001 to 99,999 square feet  
100,000 square feet or greater

All availability charges for institutional service shall be as determined by city council on a case-by-case basis.

d. Just prior to the conclusion of each fiscal year, the city manager or his designee shall review all availability charges and connection fees, and recommend to council appropriate charges.

e. All extension agreements and service requests not included in original petitions shall be subject to the maximum prevailing availability charges and connection fees which are in effect at the time such agreement or request is approved by council, irrespective of the number of original petitioners.

(d) Whenever any property abutting a street is without a city sewer main, the owner desiring city sewer service shall be required to sign a petition for extension of sewer mains.

(1) Single-family and multifamily structures and mobile home parks: Upon receipt of said petition signed by at least fifty (50) per cent of the owners representing properties to be served by the sewer main extension, the city shall prepare an estimate for the installation of a sewer main.

Such estimate shall be prepared on the basis that the location, character and size of the extension, and the plans and specifications for the extension, and the materials used in the installation, replacement, maintenance and repair of the extension shall be as specified by the city.

(2) Commercial service: Where the council has determined the petitioned project to be economically feasible to the city, the availability charges set forth in Section 34-4(c)(2)c. shall be applicable.

Where the council has determined that the petitioned project is not economically feasible to the city, the cost of the project will be apportioned by council between the city and the benefitted property owners. The entire non-city portion shall be apportioned by council between the petitioning property owners as their availability charge. Any nonsigning property owner later petitioning for service shall pay the same proportioned share for each connection as the original signers.

(e) The owner or occupant of a single-family dwelling or a two-family dwelling that did not have access to city sewer lines prior to the extension of the line, may make arrangements to pay the availability charges in paragraph (c)(2)(a) and the connection charges in paragraph (g) of this section in installments. The city's billings and collections division may enter into a water and sewer service availability fee installment agreement with the owner or occupant of a single-family dwelling or a two-family dwelling under the following conditions:

(1) Only an owner or occupant that actually connects their dwelling to the city's sewer system is eligible to enter into a water and sewer service availability fee installment agreement.

(2) The availability and connection charges and interest must be paid in full within one year.

(3) Interest at the rate of five (5) percent per annum or the interest rate the city was charged for its most recent bond issue, whichever rate of interest is higher, will be charged on the unpaid balance of the availability and connection charges.

(4) Payments will be made on such dates and in such amounts as the billings and collections division, in its discretion, determines are appropriate.

(5) The unpaid balance of the availability and connection charges may be paid in full at any time without any prepayment penalty.

(6) The water and sewer service availability fee installment agreement cannot be assigned or assumed without the prior written consent of the billings and collections division.

(7) If the owners or occupants fail to make payments in accordance with the water and sewer service availability fee installment agreement, the city may discontinue water service to the property until all arrears for availability and connection fee installment payments due the city are paid in full.

(b) Water mains installed in response to citizen request when evidenced by petition,

(c) Water mains installed in conjunction with industrial development and/or residential subdivision development. (Ord. of 10-27-75, § 32-16.1; Ord. of 6-15-77)

**Sec. 39-27. General terms, conditions and provisions applicable to water mains extended or installed with city approval.**

(a) Title to any water main extensions or service connections within the public right-of-way or requested easements shall vest in the city upon the completion of construction regardless of method of financing.

(b) Where public water systems are already installed, replacement or enlargement of the water pipes, when deemed necessary by the city, shall be made at the sole cost and expense of the city.

(c) Whenever any person owning property along the line of any water main in the city which has been extended, installed or purchased by the city in the preservation of the health and general welfare of the public, or by petition, but without the participation of him or a previous owner of this property, shall desire the water service from said main to his premises, he shall be required to do the following:

(1) Fulfill the criteria as outlined under subsection (g) hereof, involving water main connections

(2) Make an additional payment of an availability charge, the purpose of which is to defray in part the cost of providing transmission mains, booster pumping and distribution storage facilities. The availability charges are as follows:

a. Single-family residence:

1. Where fifty (50) to fifty-nine (59) per cent of the potential customers of the project as determined by the city engineer sign petitions requesting such project, the charge shall be one thousand two hundred twenty dollars (\$1,220.00) per connection, for each such petitioner.

2. Where sixty (60) to sixty-nine (69) per cent of said customers sign such petitions, the charge shall be one thousand one hundred sixty dollars (\$1,160.00) per connection, for each such petitioner.

3. Where seventy (70) to seventy-nine (79) per cent of said customers sign such petitions, the charge shall be one thousand one hundred dollars (\$1,100.00) per connection, for each such petitioner.

4. Where eighty (80) to eighty-nine (89) per cent of said customers sign such petitions, the charge shall be one thousand forty dollars (\$1,040.00) per connection, for each such petitioner.

5. Where ninety (90) to ninety-four (94) per cent of said customers sign such petitions, the charge shall be nine hundred eighty dollars (\$980.00) per connection, for each such petitioner.

6. Where ninety-five (95) to one hundred (100) per cent of said customers sign such petitions, the charge shall be nine hundred twenty dollars (\$920.00) per connection, for each such petitioner.

b. Multifamily structures and mobile home parks where a master meter is used:

1. For the first five (5) units, six hundred ten dollars (\$610.00) each.

2. For the second five (5) units, four hundred sixty dollars (\$460.00) each.

3. For all additional units, three hundred ten dollars (\$310) each, subject to a maximum charge of eleven thousand five hundred fifty dollars (\$11,550.00) under this subsection b.

4. Separate individual connections to each unit of a multifamily structure or mobile home park will require the same availability charge for each unit as a single-family residential unit. Separate connections serving more than one (1) unit will require the availability charge as specified above in Section 39-27(c)(2)b.

c. Commercial service: Up to two thousand (2,000) square feet of floor space or if a meter one (1) inch in diameter or smaller is used, the charge shall be one thousand two hundred twenty dollars (\$1,220.00). If a meter in excess of one (1) inch in diameter is required, the following charges shall apply:

Availability charge	Floor space
\$1,220.00	0 to 2,000 square feet
\$1,530.00	2,001 to 10,000 square feet
\$2,290.00	10,001 to 20,000 square feet
\$3,820.00	20,001 to 35,000 square feet
\$6,110.00	35,001 to 99,999 square feet
As determined by city council	100,000 square feet or greater

All availability charges for institutional service shall be as determined by city council on a case-by-case basis.

d. Just prior to the conclusion of each fiscal year, the city manager or his designee shall review all availability charges and connection fees, and recommend to council appropriate changes.

e. All extension agreements and service requests not included in original petitions shall be subject to the maximum prevailing availability charges and connection fees which are in effect at the time such agreement or request is approved by council, irrespective of the number of original petitioners.

(d) Whenever any property abutting a street is without a city water main, the owner desiring city water service shall be required to sign a petition for extension of water mains.

(1) Single-family and multifamily structures and mobile home parks:

a. Upon receipt of said petition signed by at least fifty (50) per cent of the owners representing properties to be served by the water main extension, the city shall prepare an estimate for the installation of a water main.

b. Such estimate shall be prepared on the basis that the location, character and size of the extension and the plans and specifications for the extension and the materials used in the installation, replacement, maintenance and repair of the extension shall be as specified by the city.

(2) Commercial service:

a. Where the council has determined the petitioned project to be economically feasible to the city, the availability charges set forth in Section 39-27(c)(2)c. shall be applicable.

b. Where the council has determined that the petitioned project is not economically feasible to the city the cost of the project will be apportioned by council between the city and the benefitted property owners. The entire noncity portion shall be apportioned by council between the petitioning property owners as their availability charges. Any nonsigning property owner later petitioning for service shall pay the same proportioned share for each connection as the original signers.

(e) The owner or occupant of a single-family dwelling or a two-family dwelling that did not have access to city sewer lines at the time it was constructed, may make arrangements to pay the availability charges in paragraph (c)(2)(a) and the connection charges in paragraph (g) of this section in installments. The city's billings and collections division may enter into a water and sewer service availability fee installment agreement with the owner or occupant of a single-family dwelling or a two-family dwelling under the following conditions:

(1) Only an owner or occupant that actually connects their dwelling to the city's sewer system is eligible to enter into a water and sewer service availability fee installment agreement.